

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HERMAS LAZO,
Petitioner,
vs.
WARDEN, *et al.*,
Respondents.

2:13-cv-01205-JCM-VCF

ORDER

This is a habeas corpus proceeding under 28 U.S.C. § 2254. On September 4, 2014, respondents filed a motion to dismiss based on an argument that petitioner Lazo has presented the court with a wholly unexhausted petition. ECF No. 9. Lazo has filed no response to the motion. Having found the motion to be meritorious, the court shall dismiss this case. *See Jiminez v. Rice*, 276 F.3d 478, 481 (9th Cir.2001) (“Once [Appellee] moved for dismissal, the district court was obliged to dismiss immediately, as the petition contained no exhausted claims.” (quotation marks and citation omitted)).

IT IS THEREFORE ORDERED that respondents' motion to dismiss (ECF No. 9) is GRANTED. This case is DISMISSED for complete lack of exhaustion. The clerk shall enter judgment accordingly.

1 **IT FURTHER IS ORDERED** that a certificate of appealability is DENIED, as jurists of
2 reason would not find the court's dismissal of this action to be debatable or incorrect.

Dated May 22, 2015.

James C. Mahan
UNITED STATES DISTRICT JUDGE